

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

DAWN MARIE STOKES,

Civil No. 3:09-1264-PK

Plaintiff,

ORDER

v.

MICHAEL J. ASTRUE, Commissioner  
of Social Security,

Defendant.

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HAGGERTY, District Judge:

Magistrate Judge Papak has issued a Findings and Recommendation [31] in this action. The Magistrate Judge recommends granting plaintiff's request for attorney fees pursuant to 42 U.S.C. § 406(b) in the amount of \$9,770.09. No objections were filed by either party, and the case was referred to this court.

The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b). When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the Magistrate. *Campbell v. U.S. Dist. Ct.*, 501 F.2d 196, 206 (9th Cir. 1974).

No clear error appears on the face of the record. Accordingly, this court adopts the Findings and Recommendation in its entirety.

Plaintiff's Motion for Attorney Fees [27] is granted in part. Counsel is entitled to a § 406(b) award of \$9,770.09, which represents twenty-five percent of plaintiff's retroactive benefits minus \$505.50 for counsel's delays in this matter. Plaintiff's counsel's previous fee award pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, in the amount of \$6,193.09 must be deducted from the § 406(b) fee award. Therefore, counsel's final fee award out of plaintiff's retroactive benefits is \$3,577.00.

IT IS SO ORDERED.

DATED this 1st day of August, 2011.

/s/ Ancer L. Haggerty

Ancer L. Haggerty  
United States District Judge